

Attorney Docket No. DEPO-004/01US

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 18, 2004.

By: Hanna Hacham 5-18-04
Hanna Hacham

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **RAMTOOLA et al.**

Serial No.: 10/684,058

Examiner: Unassigned

Confirmation No.: 3244

Art Unit: 1615

Filed: October 10, 2003

For: **GASTRO-RETENTIVE LEVODOPA DELIVERY FORM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION SUPPORTING PETITION UNDER 37 CFR §1.47(a)

I, Tom M. Moran, declare that I am attorney in the law firm of Cooley Godward LLP, which is prosecuting the above-identified patent application on behalf of DepoMed Development, Ltd. ("DepoMed"). Zebunnissa RAMTOOLA ("Ms. Ramtoola"), Kenneth I. CUMMING ("Mr. Cumming") and Mary L. MARTIN ("Ms. Martin") are believed to be the co-inventors of the above-identified patent application. One of the co-inventors, namely Ms. Ramtoola, has apparently refused to sign a Declaration under 37 CFR § 1.63 and an Assignment for the above-identified patent application. Ms. Ramtoola was an employee of DepoMed until late 2002 and has a duty to assign her rights in the above-identified patent application to DepoMed based upon an employment agreement with DepoMed. The circumstances surrounding Ms. Ramtoola's refusal to sign the Declaration and Assignment are set forth below.

The above-identified patent application was prepared in the months leading up to the filing of the priority document 10/11/2002 by myself and Marcella Lillis, who was also an attorney in the law firm of Cooley Godward LLP at the time. About the time of

filing the application I became aware of the fact that Ms. Ramtoola would be severing her relationship with DepoMed. I later became aware that the other inventors in this case Ms. Martin and Mr. Cumming also severed their relationship with DepoMed. Since the inventors were all located out of United States of America, the above application (US Serial No. 10/684,058) was filed in the U.S. without the signatures of the inventors.

Steps were taken after filing to identify the addresses of each of the inventors so that we could prepare the declarations. After a series of communications with various representatives of DepoMed we confirmed what we believed to be the correct addresses of each of the inventors. On December 30, 2003, the appropriate papers were sent to by Federal Express to Ms. Ramtoola at 162 Upper Drumcondra Road, Dublin 9, Ireland. On the same day by Federal Express, papers were also sent to Ms. Martin and Mr. Cumming. We received the executed documents back from Ms. Martin and Mr. Cumming but did not receive documents back from Ms. Ramtoola. On February 12, 2004 we mailed Ms. Ramtoola a letter again asking that she sign the documents and return them to us. We have up until this time not heard from Ms. Ramtoola as to her whereabouts. Our contact representative at DepoMed is unaware that Ms. Ramtoola's address has changed. Ms. Ramtoola's last known address is 162 Upper Drumcondra Road, Dublin 9, Ireland. We will continue to attempt to contact Ms. Ramtoola.

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: *May 17, 2004*

Cooley Godward LLP
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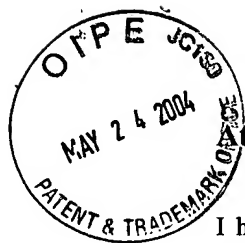
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Respectfully submitted,
COOLEY GODWARD LLP

By:

Tom M. Moran
Tom M. Moran
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PETITION UNDER 37 CFR §1.47(a)

Applicants respectfully petition under 37 CFR § 1.47(a) for acceptance of a partially signed Declaration for the above-identified patent application. This Petition under 37 CFR § 1.47(a) is supported by a Declaration from the undersigned setting forth the factual requirements of 37 CFR §1.47(a). This Petition is also accompanied by the fee of \$130.00 set forth in 37 CFR §1.17(h). Acceptance of this Petition is respectfully requested.

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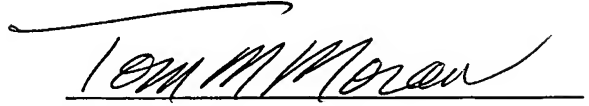
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